

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

| | | |
|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 1:11-cr-42 |
| v. |) | |
| |) | COLLIER / LEE |
| AUGUST ANTHONY FORD |) | |

ORDER

Before the Court is Defendant's unopposed motion to continue the hearing on his motion to suppress [Doc. 49], which hearing is scheduled for June 4, 2012.¹ For cause, Defendant states the parties are attempting to negotiate a plea agreement, which may render the motion to suppress moot. Defendant's motion states that the Government has no objection to the requested continuance.

The Speedy Trial Act (the "Act") requires that a defendant's trial commence within 70 days of his initial appearance. 18 U.S.C. § 3161(c)(1). That 70-day period, however, may be tolled by several events, including delays caused by a pretrial motion. *Id.* § 3161(h)(1)(D). In addition, a defendant has a right to speedy trial under the Sixth Amendment. *Barker v. Wingo*, 407 U.S. 514, 515 (1972). The constitutional inquiry requires an ad hoc balancing of the rights of the accused against society's interest in the delay. *Id.* at 530. Courts are guided in this balancing test by several factors: the reason for and length of the delay, the defendant's assertion of his right, and prejudice to the defendant. *Id.* Here, the delay is relatively short; the reason for the delay is legitimate; and the government has no objection to the continuance. Because these factors favor the continuance, the motion [Doc. 49] is **GRANTED**.

Accordingly, the Court further **ORDERS** that: (1) the plea negotiation deadline is extended

¹ The portion of Defendant's motion referring to the "hearing set on his Motion to Suppress and/or Motion to Dismiss" is incorrect. No hearing has been set on Defendant's motion to dismiss [Doc. 43].

to **Monday, June 18, 2012**, and any written plea agreement shall be executed by said date; (2) the evidentiary hearing on the motion to suppress [Doc. 41] is continued to **Tuesday, June 26, 2012 at 9:30 a.m.**; and (3) the Government's response to Defendant's motion to suppress shall be filed by **Thursday, June 21, 2012** unless the parties notify the Court a plea agreement was executed.

SO ORDERED.

ENTER:

s/ Susan K. Lee
SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE